

### **REMARKS**

This Amendment is in response to the Office Action dated October 28, 2009. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

#### **I. Double Patenting**

The Examiner advised Applicant that should claims 1, 2, 4, and 5 be found allowable, claims 15, 16, 17, and 18 respectively will be objected to under 37 CFR 1.75 as being substantial duplicates thereof.

Applicant respectfully disagrees. Independent claim 1 includes two elements written in a “means-plus-function” format, which have a scope interpreted under 35 U.S.C. 112, paragraph 6.

In contrast, corresponding elements appearing in independent claim 15 are written as structural limitations such as “a detector” and “a connector”, which are not interpreted under 35 U.S.C. 112, paragraph 6.

Thus, 1, 2, 4, and 5 have a different scope than claims 15-18, respectively.

Such a “double patenting rejection would therefore be improper.

#### **II. Brief Summary of the Present Disclosure**

The present disclosure relates to a dual-mode terminal for accessing, in a first operating mode, a radiocommunication network, and, in a second operating mode, a local communication network.

The general principle of an exemplary embodiment is based on the use of information on the location of a dual-mode radiocommunication terminal, so as to allow detection means to determine whether the terminal is located in an area potentially covered by a local communication network, and thus attempt first to use the services of this local network, rather than those of a conventional radiocommunication network.

Thus, the present disclosure provides a dual-mode terminal, allowing for access to at least two distinct communication networks, in which the choice of the communication network used

can be made without the user's intervention.

III. Claim Rejections Under 35 U.S.C. § 112

Claims 3, 6, 12, and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Accordingly, claims 3, 6, 12 and 14 are amended substantially as suggested by the Examiner to replace "belongs to the group including" with "comprises any one of the following belonging to the group consisting of."

Since claim 8 includes similar language, although not rejected with claims 3, 6, 12 and 14, claim 8 is amended in a similar fashion.

The rejection under § 112 can therefore be withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 102

Claims 1-4 and 12-17 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by publication number US 2003/0100308 A1 to Rusch (hereinafter RUSCH).

RUSCH discloses a wireless communication device including one or more radio interfaces to communicate using various wireless protocols with different communication networks. [0010] The radio interfaces may include GSM/GPRS interface, WCDMA interface, or wireless local area network (LAN) interface. [0018] The wireless communication device includes a radio controller 110 that may use geographic location information to determine the characteristics of available communications networks.

Although RUSCH discloses the use of information on the location of a radiocommunication terminal, RUSCH does not disclose or suggest to use such location information for detecting the presence of said terminal in a geographic coverage area associated with a local communication network. Thus, the wireless communication device of RUSCH does NOT include means for detecting the presence of said terminal in a geographic coverage area associated with said second network.

In addition, RUSCH proposes to use a plurality of information for selecting the communication network to which the terminal will attempt to connect ([0027], [0028] and claim 1: “*selecting one of the available networks based on the current network information and at least one of user preferences, application requirements and system information*”). On the contrary, the present invention uses only one information (i.e., the information of presence of the terminal in the coverage area of the local network) for selecting the communication network to which the terminal will attempt to connect. In other words, the network connection means of the pending claim 1 differ from the network selection means of RUSCH, in that they are activated in the case of a positive presence of the terminal in a coverage area of a predetermined local network.

In conclusion, RUSCH fails to disclose:

means for detecting, on the basis of at least one information item on the location of said terminal, the presence of said terminal in a geographic coverage area associated with said second network, called positive presence, and

means, which are activated in the case of positive presence, for connecting to said second network, so that said terminal then operates first in said second mode, wherein said detection means implement a comparison between said information on the location of said terminal and a list of location information corresponding to said geographic coverage area associated with said second network, called a coverage list, stored in said terminal.

Regarding all the aforementioned arguments, it appears that independent claims 1 and 15 are new (and also non-obvious) in view of the disclosure of RUSCH.

Dependent claims 2-4, 12-14 and 16-17 are also new and non-obvious for at least similar reasons.

V. Claim Rejections Under 35 U.S.C. § 103

Claims 5-11 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over RUSCH as applied to claims 1 and 15 above, and further in view of publication number US

2005/0013264 A1 to SUNDBERG.

However, SUNDBERG does not disclose the missing elements mentioned above with respect to claims 1. Thus, the proposed combination of SUNDBERG and RUSCH also fails to teach or suggest the elements of dependent claims 5-11 and 18, as applied to independent claims 1 and 15.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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